



**MISSOURI SEXUAL OFFENDER REGISTRATION PROGRAM**

**From The Office Of State Auditor  
Claire McCaskill**

**Report No. 2002-41  
May 29, 2002  
[www.auditor.state.mo.us](http://www.auditor.state.mo.us)**

# AUDIT REPORT



Office of  
Missouri State Auditor  
Claire McCaskill

May 2002

**Changes to sex offender registration laws and better monitoring practices could increase compliance and alert more citizens**

This audit examined compliance rates of the current sex offender registration laws, which require Missouri's 8,000 known offenders to register with local law enforcement. Under current law, all convicted sex offenders have to register within 10 days of coming into a county and verify their information yearly or every 90 days, in most cases. The public can then obtain a listing of sexual offenders living in their area.

In a detailed review of registration lists in seven counties, auditors found 36 percent of the offenders listed had not met their most recent registration requirement. Missouri legislators first established the registration law in 1994 and have since revised the law several times. Some revisions to the laws and court decisions have affected the degree of compliance. The following highlights our findings:

**State Supreme Court decision exempts half of offenders on probation from registering**

An October 2000 Missouri Supreme Court decision effectively released half of all sexual offenders sentenced to probation from having to register. This decision changed the event triggering registration to an offender "coming into" a county. As a result, if an offender already lives in the county and stays in the county through their probation, they do not have to register. Auditors found 57 percent of sex offenders sentenced to probation since 1997 had current addresses in the same county they received their sentence. It should be noted that on May 8, 2002, the General Assembly passed legislation to address this issue. This legislation (Senate Bill 1070) now awaits the Governor's approval. (See page 9)

**Some sex offenders not on state Family Care Safety Registry**

Auditors found more than 500 sexual offenders who may not be included in the Family Care Safety Registry. Citizens can turn to this registry to receive a criminal background check on a family caregiver they want to hire. But auditors found sexual offenders receiving a "suspended imposition of sentence" will not be identified in inquiries to the registry after the end of their probation period. This sentence allows an offender's criminal record to be closed at the end of probation, which makes the record unavailable for the registry. (See page 12)

YELLOW SHEET

### **Other states release more detailed offender information**

State law allows county law enforcement to only release names, addresses and the crimes of the registered offenders to the public. Auditors found other state offender lists include an offender's picture, physical description, employer address and vehicles driven as well as victim information, such as age and sex. In addition, auditors found three counties charging citizens from \$10 to \$20 for a copy of the list, which is not authorized under state law. (See page 10)

### **Half of noncompliant offenders found employed, in phone book**

Auditors found half of the 803 noncompliant offenders noted in our seven-county review were employed in Missouri in 2001. In addition, auditors found another 76 noncompliant offenders listed in the phone book. Local law enforcement officials indicated inadequate resources prevented the pursuit of these noncompliant offenders. (See page 12)

### **Few parole/probation violations issued for noncompliant offenders**

Auditors reviewed 11 offenders who had failed their most recent verification requirement, and found only one received a probation violation for the failure. In addition, auditors reviewed 55 offenders in Jackson County and found 31 violating registration requirements, but state officials did not issue a probation violation. (See page 16) The Department of Corrections followed up on these 55 cases and presented the results in their response on page 18.

### **Highway Patrol should quicken planned improvements**

The Missouri State Highway Patrol, which is required by state law to maintain the offender registration information, does not track the dates offenders verify their information. As a result, patrol staff cannot tell who has met their annual or 90-day verification requirement. Patrol staff are developing an enhanced sexual offender database allowing data entry on registration and verification dates. This new system will identify offenders who have not met their last verification requirement and generate an automatic notice to local law enforcement officials. (See page 19)

**All reports are available on our website: [www.auditor.state.mo.us](http://www.auditor.state.mo.us)**

# MISSOURI SEXUAL OFFENDER REGISTRATION PROGRAM

## TABLE OF CONTENTS

	<u>Page</u>
STATE AUDITOR'S REPORT .....	1-3
EXECUTIVE SUMMARY .....	4-6
MANAGEMENT ADVISORY REPORT - STATE AUDITOR'S FINDINGS .....	7-21
Background .....	8
<u>Number</u>	<u>Description</u>
1. Statutory Revisions Needed to Improve Registration Compliance and to Alert Citizens .....	9
2. Department of Corrections Should Improve Sexual Offender Registration Compliance Monitoring .....	14
3. Missouri State Highway Patrol Should Expedite Planned Improvements .....	19
4. Many States Post Sexual Offender Registries on the Internet .....	21
STATISTICAL INFORMATION .....	22-26
<u>Appendix</u>	
A Registered Sexual Offenders by County .....	23
B Sexual Offenders Failing a Registration Requirement .....	24
C Program Attributes and Statistics for Sexual Offender Registries in Other States .....	25
D Information Included on Sexual Offender Registry Internet Sites in Other States .....	26

## STATE AUDITOR'S REPORT



**CLAIRE C. McCASKILL**  
**Missouri State Auditor**

Honorable Bob Holden, Governor  
and  
Members of the General Assembly  
and  
Gary B. Kempker, Director  
Department of Corrections  
and  
Charles R. Jackson, Director  
Department of Public Safety  
and  
Colonel Roger D. Stottlemire, Superintendent  
Missouri State Highway Patrol  
Jefferson City, MO 65102

We have audited various operating components of the State of Missouri's sexual offender registration program and assessed overall offender compliance with the registration requirements. The program was established under Sections 589.400 through 589.425, RSMo 2000. Offenders who have committed sexual offenses and certain other offenses against victims less than 18 years old are required to register as sexual offenders with the chief law enforcement officer in their county of residence. The objectives of this audit were to:

1. Review and evaluate offender compliance with the registration requirements.
2. Evaluate the functions of the Department of Corrections and the Division of Probation and Parole in promoting offender compliance with the registration requirements of the program.
3. Review the role of the Missouri State Highway Patrol in administering certain records maintained for the offender registration program.
4. Review the functions and effectiveness of local law enforcement agencies in enforcing program compliance.
5. Compare and contrast Missouri program rules and operations to those of other states.

Our audit was conducted in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such procedures as we considered necessary in the circumstances. In this regard, we reviewed applicable state and federal laws, interviewed personnel, and inspected relevant records and reports of the Department of Corrections, the Missouri State Highway Patrol, nine county sheriff's offices, and the St. Louis City Police Department.

As part of our audit, we assessed the Department of Corrections', Missouri State Highway Patrol's, and local law enforcement's management controls to the extent we determined necessary to evaluate the specific matters described above and not to provide assurance on those controls. With respect to management controls, we obtained an understanding of the design of relevant policies and procedures and whether they have been placed in operation and we assessed control risk.

Our audit was limited to the specific matters described above and was based on selective tests and procedures considered appropriate in the circumstances. Had we performed additional procedures, other information might have come to our attention that would have been included in this report.

The accompanying Management Advisory Report presents our findings arising from our audit of the state's sexual offender registration program.

A handwritten signature in black ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a larger, more prominent script than the last name "McCaskill".

Claire McCaskill  
State Auditor

March 15, 2002 (fieldwork completion date)

The following auditors participated in the preparation of this report:

Director of Audits:	Kenneth W. Kuster, CPA
Audit Manager:	James Helton, CPA
In-Charge Auditor:	Dennis Lockwood, CPA
Audit Staff:	Kelly Davis
	Mark Rodabaugh

## EXECUTIVE SUMMARY



## MISSOURI SEXUAL OFFENDER REGISTRATION PROGRAM EXECUTIVE SUMMARY

Since passage of the federal Violent Crime Control and Law Enforcement Act of 1994, laws seeking to require known sexual offenders to register with local law enforcement officials in the area where they live have proliferated nationwide. The registration laws seek to make it possible for citizens to be aware that previously convicted sexual offenders reside in their neighborhood and to allow them to be appropriately vigilant toward the protection of family members from sexual predators.

The Missouri offender registration laws were first established in 1994 and major changes were made in 1997, 1998, and 2000. In October 2000, a Missouri Supreme Court ruling (J.S. vs Beaird, SC82274) limited the registration requirements to offenders moving into a county instead of to all offenders as under previous interpretations. Under this ruling many offenders are not required to register. Legislation has been passed and now awaits the Governor's approval to address this issue.

Based on our review of certain county records, approximately 36 percent of sexual offenders in Missouri have failed to meet their most recent registration requirement. Currently, there are about 8,000 known sexual offenders in Missouri who should be registered with local law enforcement officials and about 3,800 offenders who are currently in prison and who will be required to register as offenders when they are released.

Several problems limit the effectiveness of the sexual offender registration program in Missouri. Many offenders considered subject to registration requirements have not initially registered as required and numerous others have not complied with continuing registration requirements such as reconfirming their address annually, or every 90 days in the case of violent or predatory offenders. Offenders also fail to notify law enforcement officials when they change address or move into or out of a county as required by the registration laws.

The effectiveness of the offender registration laws have also been hindered by the difficulties local officials have in locating and prosecuting offenders who fail or refuse to register. An offender may have been expected to locate in one county but actually located in another county. Even if that offender registers in the county where he/she actually went, the county where the offender was expected has the problem of dealing with the records that show the offender has violated the registration laws and should be located and possibly prosecuted.

Law enforcement officials must strive to meet the record keeping requirements and enforce the sexual offender laws while simultaneously dealing with many other high priority demands on their limited resources. More effectively coordinated and responsive systems are needed to allow local and state officials to reduce or eliminate unnecessary enforcement efforts, duplication of efforts, and to expedite interagency communications.

Our audit also noted a serious problem involving offenders who will not be identified when inquiries are made under the Family Care Safety Act. When offenders have received a suspended imposition of sentence for a sexual crime requiring registration as an offender and

have successfully completed the related probationary period, the offender's criminal record is closed and the offender will not be identified as a sexual offender when a citizen makes a caregiver inquiry to the Family Care Safety Registry under the Family Care Safety Act. Similarly, an offender living in Missouri who committed a sexual crime outside of Missouri and is required to register as a sexual offender would not be identified in a Family Care Safety Registry inquiry.

MANAGEMENT ADVISORY REPORT –  
STATE AUDITOR’S FINDINGS

MISSOURI SEXUAL OFFENDER REGISTRATION PROGRAM  
MANAGEMENT ADVISORY REPORT-  
STATE AUDITOR'S FINDINGS

**BACKGROUND**

Establishment of the sexual offender registration program was mandated in the federal Violent Crime Control and Law Enforcement Act of 1994. That act set forth the minimum requirements states must meet regarding sexual offender registration or face loss of federal funding under the Byrne Formula Grant. For example, the act requires states to set a 10 year minimum offender registration requirement. Missouri's law requires offender's to register for the rest of their lifetime.

The purpose of the sexual offender registration law is to require persons found guilty of sexual and certain other offenses to register their name, address, and other information with local law enforcement officials and to make a listing of those individuals available to area citizens. The law makes it possible for citizens to obtain a listing of sexual offenders living in their local area allowing an informed vigilance toward the protection of their families.

In Missouri, the sexual offender registration program was established in 1994. The original legislation required persons who had committed a felony sexual crime to register with local law enforcement and only allowed law enforcement to release information if the offender was found to be a predatory sexual offender. In 1997, the statutes were revised (Sections 589.400 to 589.425, RSMo) and registration requirements were expanded to include certain other crimes (when the victim was under age 17), including kidnapping, promoting prostitution, incest, child abuse, and use of a child in a sexual performance.

In 1998, the registration requirements were expanded to include a 90-day verification requirement for persistent and predatory sexual offenders and offenders who committed a crime requiring registration if the victim was a minor. Sheriffs were charged with the responsibility of maintaining a publicly available listing of the offenders, their addresses, and the crimes committed. In 2000, the registration requirements were again expanded to require offenders who committed misdemeanor offenses to register. All offenders were required to verify their registration information in person and to register annually in the month of their birth. In addition the definition of a minor for the purposes of the act was increased to persons under age 18 and the registration requirement was made a lifetime requirement.

Under the current registration laws offenders who are convicted of, found guilty of, or pled guilty to committing or attempting to commit sexual offenses and certain other offenses against victims less than 18 years old must register within 10 days of coming into a county and verify the registration information annually and in most instances every 90 days with the county sheriff's department in their county of residence. In St. Louis City, offenders must register with the St. Louis City Police Department.

All offenders must notify the local law enforcement official if they are moving out of the county and submit an intended future place of residence so local officials at the new place of residence may be notified of the intended relocation. The offender is required to register in the new jurisdiction within 10 days of arrival. If an offender fails to register, he or she is subject to prosecution for a Class A misdemeanor on the first offense and for a Class D felony for the second and subsequent violations.

When the offender is convicted in a local court and is placed on probation instead of being confined to an institution, the court is responsible for informing the offender of the registration requirements and obtaining the intended place of residence so the court can notify local law enforcement officials. Courts often rely upon probation officers from the state's Division (Board) of Probation and Parole (P&P) to handle the notification tasks. Similarly, when an offender subject to the registration requirements is released from confinement in the Department of Corrections (DOC) or the Department of Mental Health, those agencies are required to inform the offender of the local registration requirements, obtain the intended place of residence, and notify local law enforcement officials.

The Missouri State Highway Patrol (Patrol) is designated to maintain a sexual offender database within the Missouri Uniform Law Enforcement System (MULES). As a result, both the Patrol and the local law enforcement official are to be notified when an offender is placed on probation by a court or at the time of release from an institution. When the offender registers with the local official, the official is required to submit the completed registration to the Patrol and the Patrol enters the offender information into the sexual offender database. Currently, there are about 8,000 offenders listed in the Patrol's sexual offender database and about 3,800 offenders who are in prison and will be required to register following their release. *(See Appendix A for the number of sexual offenders registered in each Missouri county.)*

Any person may request a current list of offenders registered in their county from their local county sheriff's department, or in St. Louis City residents should contact the St. Louis City Police Department. A few jurisdictions charge a modest copying fee to provide the list. The Greene County and Jefferson County Sheriff's Departments have also made their listing available via the Internet.

<p><b>1. Statutory Revisions Needed to Improve Registration Compliance and to Alert Citizens</b></p>
--

The state's sexual offender registration program was established in 1994. The enabling statutes were revised in 1997, 1998, and 2000. We noted several areas where further revisions would improve the effectiveness of the law.

- A. In October 2000, the Missouri Supreme Court ruled in *J.S. vs Beard*, SC82274, that the event that triggered the registration requirement was the offender "coming into" a county. The effect of this ruling has been to exempt from the registration requirements any offender who was sentenced to probation and has not moved his county of residence.

Based on our analysis at least half of all sexual offenders sentenced to probation appear exempt from registration requirements because of the ruling. According to the DOC, since 1997, 1,569 sexual offenders have been sentenced to probation. We noted that 902 (57 percent) of those offenders have a current address in the same county in which they received their sentence. Furthermore, our review of certain county records noted 716 offenders who failed to meet their most recent registration requirement, of which 253 of those offenders did so in 2001. This was a significant increase in the number of failures over previous years, and may be attributable to the court ruling.

The General Assembly should revise the sexual offender registration statutes to ensure all offenders will be required to register in their county of residence.

- B. Under current statutes, all sexual offenders are subject to the registration requirements, including those currently incarcerated. We noted there are about 3,800 offenders currently in prison for crimes requiring registration. Upon conviction offenders sentenced to time in prison are transported to the DOC. During their sentences the majority of offenders are transferred between various institutions but there is currently no methodology by which incarcerated persons can register with each local enforcement official.

Because incarcerated offenders pose a negligible public safety risk, we believe the General Assembly should consider revising the statutes to exempt offenders from the registration requirements during their incarceration.

The local law enforcement official sexual offender registration units responsible for local registration enforcement are not always aware and are not always notified an offender on their list has been incarcerated. Every offender registration listing we received from the counties included some of the 3,800 offenders currently imprisoned. As a result, local offender registration units may waste time and resources trying to locate the offender who has failed his continuing local registration requirement.

This often is a result of the offender being returned to prison because of a parole violation and/or commission of new crimes. The DOC has developed and is in the early stages of implementing procedures to notify the Patrol and local law enforcement that the offender has been re-incarcerated.

- C. Section 589.417, RSMo 2000, allows the chief law enforcement officer of the county to release only the names, addresses, and the crimes for which the offenders are registered, and requires the complete list of offenders be provided to any person who requests it.

Our review of the publicly available information in other states disclosed that most states provide the above information and also include a photograph and physical description of the offender. Some states provide information such as the

offender's employer address, vehicles driven, and general information about the victim of the crime, such as age and sex. Such additional information could allow concerned citizens and families to more effectively identify and monitor the activities of these offenders in their neighborhoods.

We also noted three Missouri counties are charging citizens for the cost of copying when providing the requested offender list. The charges ranged from \$10 to \$19.95. In addition, one Missouri county was charging offenders \$10 each time they registered or verified their registration. Neither of these charges appear to be authorized under existing statutes.

- D. Missouri law imposes a lifetime registration requirement for all offenders regardless of the seriousness of the offense committed. However, 41 other states have adopted sexual offender registration requirements that require registration for specific minimum periods ranging from 10 to 25 years. Only 7 other states have lifetime registration requirements for all offenders. (*See Appendices C and D for additional information regarding sexual offender registration programs in other states.*)

Oklahoma only requires sexual offenders successfully completing the sexual offender treatment program to register for two years, other offenders for 10 years and habitual offenders for life. Ten states have established a formal appeals process that generally allows offenders to appeal to the courts for relief from the registration requirements and removal from the sexual offender lists after a minimum period of at least 10 years. Federal rules generally specify a minimum 10-year state registration requirement.

Ten states incorporate a risk assessment methodology by which the level of detail about an offender made available to the public is determined by the level of perceived risk that the individual will re-offend and the seriousness of the present and past offenses. Risk assessments are made by courts or review boards. Review boards are generally comprised of corrections and mental health professionals.

Although we are not opposed to lifetime registration requirements, revisions in the registration requirements may reduce the number of offenders that must be monitored by local law enforcement personnel. A reduction in the registration requirements could improve the accuracy of the offender lists and enforcement of and compliance with registration provisions.

- E. Without exception, all local law enforcement officials contacted during our review of the sexual offender registration program indicated the limited existing resources and manpower within their departments severely restricted their ability to actively enforce the registration and verification requirements. They also noted the program is mandated under state law but the law provides no additional funding source to assist in covering the local costs of enforcing the program.

To evaluate the degree of compliance with registration and verification requirements at the local level, we reviewed the records of seven counties. The counties reviewed were Boone, Cole, Dunklin, Greene, Jackson, Jasper, and Jefferson. These counties provided our office a report of the last date of contact of each offender on their registry and indicated whether the offender was required to verify their registration information every 90 days or only annually. (See *Appendix B for additional detail for the seven counties.*)

We determined 36 percent of Missouri offenders listed on these counties' records were in violation of sexual offender registration requirements. We found 32 percent (716 of 2,241) of the offenders listed on the sexual offender registries of the seven counties have failed to comply with their most recent registration requirement. It is possible that some of the 716 offenders had moved since their last contact date but did not notify the county of the move. In addition, 4 percent (87 of 2,241) of the offenders listed on the registries based on notifications from the DOC, the P&P, the courts, or other entities had failed to register at any time. We also compared the county registries to DOC records and noted 146 offenders on the county listings that, according to DOC records, had relocated or were incarcerated.

Local law officials indicated the lack of resources prevented the pursuit of noncompliant offenders. Of the 803 noncompliant offenders (716 plus 87) noted above, we found 406 were employed in Missouri during calendar year 2001 according to employment information records. We also identified 76 offenders who failed their most recent requirements and whose exact names and addresses were listed in recent local telephone directories. If the local law enforcement units had any available resources, some of these offenders could have been pursued.

The General Assembly should consider establishing local funding methodologies to assist the various local enforcement officials in covering the costs of enforcing the registration program.

- F. During our audit of the sexual offender registration program it came to our attention there is a serious problem involving offenders who will not be identified when inquiries are made under the Family Care Safety Act under Section 210.909, RSMo 2000.

The Family Care Safety Registry was established to protect children, the elderly, and disabled individuals in this state and to promote family and community safety by providing information concerning family caregivers. We noted that a criminal history record check of persons on the family care safety registry obtained under the Act does not include some offenders registered in the sexual offender database. As a result, citizens making an inquiry to the family care registry toward hiring a caregiver for a child or other family member will not learn that the prospective caregiver is a registered sexual offender.



This occurs if offenders have received a *suspended imposition of sentence* and have been placed on probation for a crime that requires registration as a sexual offender. Once an offender has successfully completed his probation period, his criminal record is closed and the record of the sexual offense will no longer be available in the family care safety registry, in spite of a life long obligation to register as a sexual offender.

Crimes for which offenders may receive a suspended imposition of sentence are sexual and certain other offenses as stated in Chapter 589 RSMo, and include (for example) forcible rape, statutory rape in the first degree, and child molestation in the first degree. An analysis of the records of 1,609 sexual offenders who are required to register and were assigned to probation between July 1, 1997 and December 31, 2001 identified 525 (33 percent) who received a suspended imposition of sentence. As a result, there are over 500 offenders who now may not, and in the future will not be identified as offenders on citizen inquiry to the family care safety registry. While many of these offenders would be identified during their probationary period using the existing procedures, offenders who have received a suspended imposition of sentence will not be identified once they have successfully completed their probation.

An additional concern is that the family care registry criminal background check does not identify offenders living in Missouri who have committed out of state crimes requiring sexual offender registration. Under current law the only way a citizen can learn if a prospective family care giver is a registered sexual offender (who committed a sexual crime outside Missouri or successfully completed his probation under a suspended imposition of sentence) is to request a sexual offender registration list from local law enforcement officials and look for the caregiver's name on that list.

The Family Care Safety Act should be amended to require that criminal history record checks include a check of the sexual offender registry and authorize the inclusion of that information in the Family Care Safety Registry.

**WE RECOMMEND** the General Assembly:

- A. Revise state law to require all offenders who are convicted of, found guilty of, or plead guilty to a crime requiring sexual offender registration to register in their county of residence. It should be noted that on May 8, 2002, the General Assembly passed legislation to address this issue. This legislation (Senate Bill 1070) now awaits the Governor's approval.
- B. Revise state law to excuse or exempt incarcerated offenders from the sexual offender registration requirements while they are incarcerated.

- C. Consider revising state law to allow the release of additional information regarding offenders such as physical descriptions and photographs. Furthermore, any charges relating to the lists and the registration process should be specified in the law.
- D. Consider whether an appeals process should be established under which offenders could petition the courts to be relieved of registration requirements after a mandatory period of time. An additional consideration would be whether the state should establish a risk assessment process under which the type of publicly available information is related to the individual's crime and perceived risk of re-offending.
- E. Consider establishment of local funding methodologies to assist local enforcement officials in covering the costs of enforcing the registration program.
- F. Revise the Family Care Safety Act to require a check of the sexual offender registry as part of the criminal history records check and authorize the inclusion of sexual offender registry information in the Family Care Safety Registry.

<b>2. Department of Corrections Should Improve Sexual Offender Registration Compliance Monitoring</b>
---

The DOC and P&P are charged with various duties prior to and after the offender's release from prison confinement. Those duties include informing the offender of his responsibility under the law to register as a sexual offender after release, obtaining the offender's intended place of residence, and preparing and sending the sexual offender registration notification form to the Patrol and the chief law enforcement officer in the intended county of residence.

When an offender is released to parole, P&P is responsible for monitoring and ensuring the offender complies with the registration and periodic verification requirements. When an offender is sentenced to probation rather than to prison confinement, the courts are to initiate the offender notification process, but the courts often delegate their reporting responsibilities related to notification to the local P&P office.

Any weaknesses in the procedures and controls over these various duties increases the risk that offenders will be allowed to ignore their registration and verification requirements. Of the 716 offenders noted in our review of certain county records who failed their most recent registration requirement, 93 were under supervision of P&P at the time the offender stopped registering as required.

Changes in the following areas could significantly improve the degree of registration compliance:

- A. One serious weakness is the DOC's offender tracking system cannot provide DOC or P&P officers or management with reports of parole or probation offenders who failed to meet registration requirements.

When a sexual offender is released from confinement and placed under parole supervision, or is placed on probation by the courts, the Sexual Offender Registration unit, within the P&P, receives a copy of the notification form and monitors the Patrol's MULES system to ensure the offender has complied with initial registration requirements. However, after that point monitoring and enforcement of the 90-day and annual registration requirements is left up to the individual P&P officer who supervises the offender. That officer must remember to personally and manually confirm offender compliance or lack of compliance and then initiate efforts to ensure compliance, if necessary.

An automated offender tracking system capable of preparing system generated reports of offenders due to verify 90-day and annual registration requirements would significantly enhance an officer's monitoring effectiveness. Similarly, such a system capability would enhance management's ability to monitor officer effectiveness in ensuring offender compliance.

The department has long range plans to improve the offender tracking system by expanding the ability of the system to provide needed offender compliance data. Plans include system-generated reminders to notify the officer when offenders are due to verify registration, management reports on offender compliance, and officer entry of updated offender registration compliance information. However, the department has indicated that other planned system enhancements have a much higher priority.

The DOC should give system enhancements for tracking of sexual offender registration a high priority.

- B. As noted earlier in this report, the local sexual offender registration units responsible for local registration enforcement are not always aware when an offender on their registration list has been incarcerated. This can cause local offender registration units to unnecessarily waste time and resources trying to locate the offender.

The DOC is in the process of implementing new procedures to prepare a change of address form for all offenders who are returned to prison. The offender's change of address will be submitted to the Patrol and to the applicable local law enforcement officials in the county where the offender was or should have been registered.

The department should fully implement this new procedure as promptly as possible.

- C. According to information obtained from the Sexual Offender Registration unit, very few parole or probation violation reports are issued for offenders who fail to meet registration and verification requirements. The P&P policy manual, Section P3-6.4, requires officers to verify that offenders have complied with registration requirements.

To test the level of compliance with this policy, we reviewed case files of 11 offenders who had failed their last 90-day verification requirement in 2001. The cases were selected from the sexual offender lists provided by county law enforcement officials for our audit. Our examination of the probation violation reports for the 11 offenders found only one instance in which the offender had actually been cited for failing to verify his registration information as required.

When an offender fails to comply with registration requirements, the probation officer is to give the offender a specific directive to complete the registration and or verification process. Then, if the offender does not comply, the probation officer is to issue a violation report. A copy of the violation report is to be submitted to the sentencing court for probationers. The violation report is also to be brought to the attention of the district administrator who is to write a letter to the local law enforcement agency and the prosecuting attorney notifying them of the violation. Based on our analysis, none of these required corrective actions were taken in 6 of the 11 (55 percent) cases reviewed and inappropriate actions were taken in two cases.

The P&P determined in its review of the 11 cases that two of the offenders were currently exempt from the registration requirements under the Supreme Court ruling (*see MAR 1A*). These two included the offender cited for a failure to verify violation mentioned above. Another offender had been cited for failure to register as a ***dangerous felon***. However, there is no such registration requirement and P&P plans to revise the violation to a failure to register as a sexual offender. One of the 11 offenders was exempted by statutory changes effective August 28, 2000, and for one offender the date of last contact was incorrectly listed by county officials causing the offender to be shown in violation in error.

As a further test of the level of compliance with policy P3-6.4, we also reviewed the violation reports of 55 offenders from the Kansas City area. According to the county listing, these offenders had failed their last 90-day registration requirement and according to DOC records still appeared to be under P&P supervision. At our request, the Sexual Offender Registration unit provided the listing of these 55 offenders to the Kansas City area P&P offices in late January 2002 so the 90-day registration failures could be addressed. As of April 1, P&P provided the following updated status for those 55 offenders:

- 31 were in violation but a violation report had not been issued,
- 7 registered and complied but the date on the county list was not correct,
- 6 have absconded from supervision during their most recent registration period,
- 4 were revoked and returned to prison for other violations,
- 2 were confined in local jails for other offenses, and
- 5 were either exempt under the Supreme Court ruling, were not actually required to register, or were not required to comply with the 90 day rule.

It should be noted that according to a report we obtained from the DOC offender database, there have only been 12 misdemeanor and 2 felony convictions statewide for failure to register as required since 1995. Some crimes, particularly misdemeanors, would not typically result in the offender being placed under the control of DOC or P&P, and therefore would not be recorded in the offender database. As a result, the number of actual convictions for failure to register is not known. The weaknesses noted in the DOC's procedures could have significantly reduced the number of convictions for failure to register.

The Department of Corrections should strengthen management oversight and improve compliance with policies regarding the issuance of violations for failure to meet registration and verification requirements.

**WE RECOMMEND** the Department of Corrections:

- A. Promptly pursue the enhancement of the offender tracking system related to sexual offender registration.
- B. Fully implement the planned procedures for notifying the Patrol and local law enforcement officials when applicable sexual offenders are incarcerated or re-incarcerated.
- C. Strengthen management oversight and compliance with departmental policy to ensure parole or probation violation reports are issued for offenders who fail to meet registration and verification requirements.

**AUDITEE'S RESPONSE**

- A. *We agree. The Department recognizes the need to enhance the offender management system to allow for better tracking of sex offender registration. The Department's intent is to improve the current offender tracking system in a number of areas, one of which will expand the ability of the system to provide the needed offender compliance data regarding registration. However, the Department's Information Technology section is currently staffed at half of what the 1999 Information Systems Infrastructure Review Report recommended. As a result, a number of upgrades in the offender management system are on a waiting list that is constantly evaluated and prioritized.*

- B. *We agree. Division policy P3-6.6 Registration Requirements was revised in March 2002. This policy requires the supervising officer to complete the Change of Address Form and distribute it to the appropriate authorities, which include the Highway Patrol and the local chief law enforcement official.*
- C. *We agree. It is the expectation that offenders comply with the conditions of supervision, including Condition #1 Laws. It is further the expectation of the Division that officers report such violations to the appropriate authority by way of a violation report.*

*The Division is committed to holding offenders accountable for their behavior. Management staff with the assistance of the Department's Information Technology section will continue to develop reports to monitor staff performance in this area. Additional review of the recent revision of P3-6.6 Registration Requirements is being conducted with all supervisors and officers with an increased emphasis on this facet of the supervision process.*

*It should be noted that Chapter 589 of the Missouri Revised Statutes does not place the responsibility to maintain a sex offender registry on this division. In the interest of public safety, the Division of Probation and Parole took on the additional duties associated with monitoring offender compliance of the registration laws without any additional resources being provided. Given the recent fiscal situation, additional resources have been unavailable.*

*We believe that the Division has made every effort to work with local law enforcement and other criminal justice agencies in implementation of the registration requirements without any additional resources being provided. Of the approximately 2,100 sex offenders required to register, 96% have registered with local law enforcement as of March 12, 2002.*

*It is noted that of the sex offenders under supervision, the audit cites thirty-one offenders in Jackson County as being in violation status but a violation report was not completed. A further review of these cases indicates that:*

- 18 of the 31 offenders had a violation report submitted for a violation of a condition of supervision, reflecting focus on more serious violations of supervision.*
- 11 of the offenders have since registered and are in compliance.*
- 14 of the offenders are not in compliance and a violation report is being completed.*
- 4 of the offenders were not in compliance with the registration requirements at the time that their period of supervision expired.*

### **3. Missouri State Highway Patrol Should Expedite Planned Improvements**

Under Section 589.410, RSMo 2000, the Missouri State Highway Patrol is responsible for maintaining sexual offender registration information within the MULES system to make the information available to criminal justice officials. Local law enforcement officials are required to submit the completed registration forms and changes of offender name or address to the Patrol, and many officials submit a change of address form to report each offender's required 90-day or annual verification contact.

- A. The system currently used does not record the date of the offender's registration or verification. While the system does record the date the information is entered into the system, that date remains unchanged until it is updated by a change of name or address. As a result, the Patrol and the MULES system users are unable to determine whether the offender has complied with his verification requirements. While the forms submitted to the Patrol to record the offender's verification are filed in the Patrol's paper files, the data system is not updated to reflect that last date of contact.

The Patrol indicated they have under development a major enhancement to the sexual offender database that will allow the input of the actual date of registration and verification events. The enhancements will allow the system to identify offenders that have failed to meet their last verification requirement and will generate an automated notice to the appropriate local law enforcement official. This notice should help local enforcement officials identify and initiate needed follow-up action.

- B. The Patrol has not routinely investigated or resolved incomplete or missing offender registration information or forms. It appears this policy is at least partly why the patrol has received over 700 notification forms (denoting offenders who are required to register) since 1995 for offenders who appear to have never registered. The Patrol provided our office with a summary report of the incomplete registration forms. That report indicated the DOC was the source of 546 of the over 700 forms. The remaining notifications were received from the various Missouri courts, local law enforcement officials, other states, the Federal Bureau of Prisons, and the military.

We requested the P&P Sexual Offender Registration unit obtain and review the detailed listing of these offenders so the department could take appropriate follow-up action for those offenders still under their control. The unit indicated they did so and, where appropriate, referred the results to the P&P district administrators for possible corrective action. They also prepared a report summarizing their review. The following Table 1.1 shows the results of their review.

**Table 1.1 Explanation of Unregistered Offenders when DOC Provided Original Notification**

<b>Number of Offenders</b>	<b>Explanation</b>
121	Director's Discharge - Served full sentence, not subject to P&P supervision
92	Currently incarcerated
69	Form sent in error
69	Discharged prior to development of DOC procedures
60	Offender registered in county but Patrol did not receive completed form
35	Registration paperwork was in processing
21	Offender no longer under P&P supervision
20	Offender exempt under Supreme Court ruling
13	Offender deceased
2	Offender remanded to Sexually Violent Predator Unit
44	Other
546	Total

The results of the above analysis illustrate the complex range of situations local law enforcement officials encounter while attempting to enforce the sexual offender registration requirements.

As part of the system enhancement discussed above, the Patrol also plans to implement electronic messaging to inform both the originating agency (DOC, for example) and the intended place of residence agency (law enforcement official) when offender notification forms do not result in a confirmed registration.

**WE RECOMMEND** the Missouri Highway Patrol expedite the implementation of the planned system enhancements for the sexual offender registration database.

#### **AUDITEE'S RESPONSE**

*We appreciate your findings and recommendations in the report regarding the audit conducted on the State of Missouri's Sexual Offender Registration Program. The proactive measures you have indicated should correct any deficiencies that were identified in the review. The Missouri State Highway Patrol is dedicated to ensuring the integrity of the data maintained in its database so as to provide timely and accurate information for public safety concerns.*

*The Patrol's Information Systems Division is near completion with the enhancements to the Sexual Offender Registry System. By the end of October, 2002, Missouri will be participating in the National Sexual Offender Registry. This enhancement will provide law enforcement officers throughout the country with the identity of Missouri sexual offenders by means of the national database. In addition, the sexual offender system will have the capability to notify chief law enforcement officials of those individuals that are not in compliance with the law.*



*If legislation is enacted to provide the sexual offender information via the internet, the enhanced system has been developed in a web-based format and could be programmed to provide the information to the public on the internet.*

*The Patrol supports all improvements that provide citizens with the necessary information to protect themselves and their family members from sexual predators. We trust this review has been beneficial.*

#### **4. Many States Post Sexual Offender Registries on the Internet**

During our research on how other states handle their sexual offender programs, we noted 31 states make their sexual offender registries available on the Internet. The level of detail about offenders varies significantly from state to state but in most instances exceeds the information available to Missouri citizens.

It should also be noted that in four states (Alaska, Connecticut, Hawaii, and New Jersey), state or federal courts have ruled the posting of sexual offender registries on the Internet violated the offenders' rights to privacy or due process. Generally, the privacy issue related to how widespread the availability of the information is to citizens, and the due process issues related to posting of offenders whose crimes were committed before the state's registration law was implemented.

If the General Assembly should decide to allow the posting of Missouri's sex offender registry on the Internet, careful consideration should be given to both privacy and due process issues.

**WE RECOMMEND** the General Assembly consider authorizing the posting of Missouri's sexual offender registry on the Internet after appropriate consideration of privacy and due process issues.

This report is intended for the information of the General Assembly, the Department of Corrections, and the Missouri State Highway Patrol's management and other applicable government officials. However, this report is a matter of public record and its distribution is not limited.

## STATISTICAL INFORMATION

## Appendix A

### Missouri Sexual Offender Registration Program Registered Sexual Offenders by County

County	Registered Offenders	County	Registered Offenders
Adair	39	Livingston	24
Andrew	14	McDonald	31
Atchison	2	Macon	27
Audrain	42	Madison	16
Barry	45	Maries	2
Barton	19	Marion	45
Bates	33	Mercer	10
Benton	35	Miller	38
Bollinger	9	Mississippi	23
Boone	174	Moniteau	15
Buchanan	119	Monroe	18
Butler	89	Montgomery	18
Caldwell	4	Morgan	46
Callaway	53	New Madrid	30
Camden	39	Newton	77
Cape Girardeau	88	Nodaway	14
Carroll	16	Oregon	15
Carter	16	Osage	8
Cass	87	Ozark	14
Cedar	20	Pemiscot	36
Chariton	6	Perry	19
Christian	42	Pettis	58
Clark	15	Phelps	58
Clay	205	Pike	15
Clinton	21	Platte	63
Cole	99	Polk	27
Cooper	25	Pulaski	38
Crawford	34	Putnam	9
Dade	6	Ralls	5
Dallas	22	Randolph	67
Daviess	9	Ray	29
DeKalb	5	Reynolds	7
Dent	27	Ripley	29
Douglas	7	St. Charles	245
Dunklin	83	St. Clair	14
Franklin	147	St. Francois	106
Gasconade	22	St. Louis	954
Gentry	3	Ste. Genevieve	16
Greene	432	Saline	73
Grundy	14	Schuyler	8
Harrison	11	Scotland	5
Henry	30	Scott	52
Hickory	20	Shannon	12
Holt	3	Shelby	13
Howard	25	Stoddard	65
Howell	55	Stone	52
Iron	12	Sullivan	10
Jackson	1161	Taney	65
Jasper	161	Texas	32
Jefferson	212	Vernon	36
Johnson	51	Warren	26
Knox	4	Washington	36
Laclede	68	Wayne	34
Lafayette	58	Webster	36
Lawrence	38	Worth	2
Lewis	27	Wright	30
Lincoln	58	St. Louis City	968
Linn	10	<b>Total</b>	<b>7992</b>

Source: Missouri State Highway Patrol

## Appendix B

### Missouri Sexual Offender Registration Program Sexual Offenders Failing a Registration Requirement

County	Offenders Listed	Offenders Not Registered**	Failed Last 90 Day	Failed Last Annual
Boone	135	*	24	3
Cole	97	*	20	3
Dunklin	66	*	22	7
Greene	464	30	70	2
Jackson	1,117	54	357	91
Jasper	169	3	69	1
Jefferson	<u>193</u>	<u>*</u>	<u>41</u>	<u>6</u>
Total	<u>2,241</u>	<u>87</u>	<u>603</u>	<u>113</u>

Source: County Sheriff's offices

\* County report only included registered offenders

\*\* Since 1995

Appendix C

**Missouri Sexual Offender Registration Program**  
**Program Attributes and Statistics for Sexual Offender Registries in Other States**

State	Estimated Number of Offenders Registered	Percent of Offenders in Compliance	Information Contained on Website	Non-Internet Registry Availability	Minimum Length of Registration	Maximum Length of Registration	Appeal Process Available	Risk Assessment Used	90 Day Verification
Alabama	2,063	-	A	-	L	L	-	-	N
Alaska (1)	3,550	-	D	-	15	15	-	-	-
Arizona	12,000	-	S	-	L	L	-	Y	N
Arkansas	3,088	-	I	S	15	20	-	-	S
California	87,000	-	-	A	L	L	-	-	N
Colorado	8,800	-	S	-	10	L	-	-	S
Connecticut (1)	2,075	90	I	N	10	L	-	-	A
Delaware	854	-	S	-	15	L	-	Y	S
Florida	20,728	-	A	-	20	L	Y	-	S
Georgia	2,800	67	A	-	10	L	-	-	N
Hawaii (1)	2,177	-	-	N	-	-	-	-	-
Idaho	1,550	-	-	LE	10	10	Y	-	N
Illinois	12,212	85	A	-	10	L	-	-	S
Indiana	11,800	-	D	-	10	L	-	-	S
Iowa	4,000	-	S	LE	10	L	-	Y	S
Kansas	1,820	94	D	-	L	L	-	-	A
Kentucky	1,900	80	A	-	10	L	-	-	S
Louisiana	5,708	98	D	-	10	L	-	-	S
Maine	480	-	-	LEN	10	L	-	-	S
Maryland	1,500	-	-	LE	10	L	-	-	N
Massachusetts	18,000	-	-	LE	10	L	-	-	S
Michigan	26,715	61	A	-	25	L	-	-	S
Minnesota	9,000	70	S	-	L	L	-	Y	-
Mississippi	1,496	-	A	-	10	L	Y	-	A
Missouri	7,630	-	-	LE	L	L	-	-	S
Montana	1,906	-	A	-	10	L	-	-	S
Nebraska	898	-	S	-	10	10	-	Y	S
Nevada	2,548	-	-	LE	15	L	Y	Y	S
New Hampshire	1,748	-	-	N	10	L	-	-	N
New Jersey (1)	7,447	-	I	LEN	15	L	Y	Y	S
New Mexico	700	-	A	-	10	20	-	-	N
New York	11,500	-	S	-	10	L	-	Y	S
North Carolina	5,076	91	A	-	10	10	-	-	S
North Dakota	1,227	-	S	-	10	L	-	Y	-
Ohio	6,396	-	A	-	10	L	-	-	S
Oklahoma	3,731	-	A	-	2	L	-	-	S
Oregon	10,000	84	-	LE	10	L	Y	-	N
Pennsylvania	4,744	92	I	LE	10	L	-	-	S
Rhode Island	1,424	-	-	S	15	L	-	Y	-
South Carolina	4,602	-	A	-	L	L	-	-	N
South Dakota	1,192	75	-	LE	L	L	Y	-	N
Tennessee	5,000	75	D	-	10	L	Y	-	A
Texas	28,728	89	D	-	10	L	-	-	S
Utah	5,192	75	A	-	10	10	-	-	-
Vermont	1,532	-	I	LE	10	10	-	-	N
Virginia	9,200	-	S	-	10	L	Y	-	S
Washington	15,385	-	-	LE	10	L	-	-	-
West Virginia	950	100	S	-	10	L	-	-	-
Wisconsin	12,000	87	I	LE	15	L	-	-	S
Wyoming	691	-	A	-	10	L	Y	-	S

Source: Information gathered through the KlaasKids Foundation website at [www.klaaskids.com](http://www.klaaskids.com)

A - all offenders

I - Internet site is informational only

LE - Public access through local law enforcement only

N - No general public access to registries

- Not applicable or not available

D - Only offender information for crimes after adoption date of legislation is available

L - Registration requirement is for lifetime

LEN - Law enforcement determines who is notified

S - Serious offenders only, includes predatory and persistent offenders

(1) Court decisions have limited or eliminated Internet access

## Appendix D

### Missouri Sexual Offender Registration Program Information Included on Sexual Offender Registry Internet Sites in Other States

State	Name	Address	Physical Description	Photo	Crime	Employer Information	General Victim Information	Registration Date	Verification Date	Compliance Indicator
Alabama	✓	✓	✓	✓	✓					
Alaska	✓	✓	✓	✓	✓	✓		✓		
Arizona	✓	✓	✓	✓	✓				✓	
Colorado	✓	✓	✓	✓	✓	✓	✓			
Delaware	✓	✓	✓	✓	✓					
Florida	✓	✓	✓	✓	✓		✓			
Georgia	✓	✓	✓	✓	✓			✓		
Illinois	✓	✓	✓	✓			✓			
Indiana	✓		✓		✓					
Iowa	✓	✓	✓	✓	✓		✓			
Kansas	✓	✓		✓	✓			✓	✓	
Kentucky	✓	✓	✓	✓	✓					✓
Louisiana	✓	✓	✓	✓	✓					
Michigan	✓	✓	✓		✓					
Minnesota	✓	✓	✓	✓	✓		✓			✓
Mississippi	✓	✓	✓	✓	✓					
Montana	✓	✓	✓	✓	✓					✓
Nebraska	✓	✓	✓	✓	✓					
New Mexico	✓	✓	✓	✓	✓	✓		✓	✓	
New York	✓	✓	✓	✓	✓		✓			
North Carolina	✓	✓	✓	✓	✓			✓	✓	
North Dakota	✓	✓	✓	✓	✓			✓	✓	
Ohio	✓			✓	✓					
Oklahoma	✓	✓								
South Carolina	✓	✓	✓	✓	✓					
Tennessee	✓	✓		✓	✓					
Texas	✓	✓	✓	✓	✓		✓			
Utah	✓	✓	✓	✓	✓		✓			
Virginia	✓	✓	✓	✓	✓					
West Virginia	✓	✓	✓	✓	✓	✓	✓			
Wyoming	✓	✓	✓	✓	✓					
31	31	29	27	28	29	4	9	6	5	3

Source: Information gathered through the KlaasKids Foundation website at [www.klaaskids.com](http://www.klaaskids.com)

✓ Information included.

\* \* \* \* \*